

**SUPPLEMENTAL  
Notice of Allowability**

Application No.

09/884,375

Examiner

Ella Colbert

Applicant(s)

BONNEAU ET AL.

Art Unit

3694

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 30 May 2008.
2. ☒ The allowed claim(s) is/are 11-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                            |                                                                                                              |
|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                                            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>Attached</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                                          |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|                                                                                                            | 9. <input type="checkbox"/> Other _____.                                                                     |

### **DETAILED ACTION**

1. Claims 11-22, 24, 25, 37, and 38 are pending. Claims 1-10, 23, and 26 have been withdrawn either in a prior communication or in the present communication and are now considered cancelled, claims 11, 12, 13, and 21 have been amended and claims 37 and 38 have been added in this communication filed 08/18/09 entered as Response After Non-Final Action and Request for Extension of Time.
2. The claim objections have been overcome by Applicants' amendment to the claim and are hereby withdrawn.
3. The 35 USC 101 Rejections have been overcome by Applicants' amendment to the claims and are hereby withdrawn.
4. The 35 USC 112 First Paragraph Rejections have been overcome by Applicants' convincing arguments and are hereby withdrawn.
5. The 35 USC 112, Second Paragraph Rejections have been overcome by Applicants' amendments to the claims and are hereby withdrawn.

### **Title**

The title of the invention has been changed as follows:

-- CUSTOM BROWSE HIERARCHIES FOR SUBSETS OF ITEMS IN A PRIMARY HIERARCHY --.

### ***EXAMINER'S AMENDMENT***

An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicants', and amendment may be filed as

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provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone communication by Attorney Kent B. Chambers on 19 November 2009.

***In the claims***

Claims 1-10, 23, and 26-36 have been cancelled.

***Allowable Subject Matter***

Claims 11-22, 24, 25, 37, and 38 are allowed. Claims 1-10, 23, and 26-36 are now cancelled.

The following is an examiner's statement of reasons for allowance: The closest prior art is (US 6,466,918B1) Spiegel et al. Spiegel et al disclosed a browse tree or other hierarchical browse structure with nodes where users can navigate the browse tree and the system and method is capable of assisting users in locating popular products and/or product categories within an online catalog of a merchant but failed to disclose a method and a computer program product for establishing a set of rules for at least the ancestor nodes of the primary hierarchy with each rule in the set of rules associated with one of the leaf nodes and each ancestor node of the leaf node, with each rule comprising a logical aggregation of constraints specified by at least each ancestor node of the leaf node, identification of a subset of the set of rules with each rule in the subset having constraints that are met by at least one of the items in the unique subset of items and representing the custom browse hierarchy by all the

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included leaf nodes and included ancestor nodes of the primary hierarchy and the custom browse hierarchy represents a pared version of the primary hierarchy. The next closest prior art is (US 5,933,599) Nolan. Nolan disclosed a hierarchical data structure of online network content in an acyclic graph allowing the linking of nodes on one branch of a hierarchical tree to reference nodes on other branches of the hierarchical tree but failed to disclose a method and a computer program product for establishing a set of rules for at least the ancestor nodes of the primary hierarchy with each rule in the set of rules associated with one of the leaf nodes and each ancestor node of the leaf node, with each rule comprising a logical aggregation of constraints specified by at least each ancestor node of the leaf node, identification of a subset of the set of rules with each rule in the subset having constraints that are met by at least one of the items in the unique subset of items and representing the custom browse hierarchy by all the included leaf nodes and included ancestor nodes of the primary hierarchy and the custom browse hierarchy represents a pared version of the primary hierarchy. Fohn et al (US 6,460,025) disclosed categories in an electronic catalog arranged hierarchically forming a category hierarchy with nodes of the hierarchy representing categories and subcategories and creating a catalog hierarchy but failed to disclose a method and a computer program product for establishing a set of rules for at least the ancestor nodes of the primary hierarchy with each rule in the set of rules associated with one of the leaf nodes and each ancestor node of the leaf node, with each rule comprising a logical aggregation of constraints specified by at least each ancestor node of the leaf node, identification of a subset of the set of rules with each rule in the subset having

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constraints that are met by at least one of the items in the unique subset of items and representing the custom browse hierarchy by all the included leaf nodes and included ancestor nodes of the primary hierarchy and the custom browse hierarchy represents a pared version of the primary hierarchy. Megiddo et al (US 6,182,070) disclosed association rules mined from a database and the discovered association rule ranks the discovered associations rules but failed to disclose a method and a computer program product for establishing a set of rules for at least the ancestor nodes of the primary hierarchy with each rule in the set of rules associated with one of the leaf nodes and each ancestor node of the leaf node, with each rule comprising a logical aggregation of constraints specified by at least each ancestor node of the leaf node, identification of a subset of the set of rules with each rule in the subset having constraints that are met by at least one of the items in the unique subset of items and representing the custom browse hierarchy by all the included leaf nodes and included ancestor nodes of the primary hierarchy and the custom browse hierarchy represents a pared version of the primary hierarchy.

Levine, Ken discloses a layer design with interfaces to Lotus 1-2-3 and dBase III Plus files.

Jones Chris discloses statement trees with nodes in the tree as a low-level operator with defined semantics, a pointer as its left child and a 4-byte right child.

None of the prior art references disclosed the establishment of a set of rules for at least the ancestor nodes of the primary hierarchy, wherein each rule in the set of rules is associated with one of the leaf nodes and each ancestor node of the leaf node

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and each rule comprises a logical aggregation of constraints specified by at least each ancestor of the leaf node and identifying a subset of the set of rules, wherein each rule in the rule subset has constraints that are met by at least one of the items in the unique subset of items.

An extensive search of the applicable prior art was done but showed no better references.

For these reasons claims 11 and 21 are deemed to be allowable over the prior art of record, and claims 12-20 and 22-30 are allowed by dependency.

It appears that the instant invention is beyond the skill of one of ordinary skill in the art. Accordingly the invention would NOT have been obvious because one of ordinary skill could not have been expected to achieve it, NOR would they have been able to predict the results, and as such, they would have had no capability of expecting success.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Other Relevant Prior Art**

Halt (US 4,751,684); Garcia et al (US 5,287,494); Thompson (US 7,206,774); and Heckerman et al (US 6,742,003).

### **Inquiries**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Trammell James can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/  
Primary Examiner, Art Unit 3696

November 19, 2009